

UNION PACIFIC RAILROAD  
101 N. Wacker Dr., Rm. 1920  
Chicago, Illinois 60606-1718

Mack H. Shumate, Jr. Senior General Attorney, Law Department

P 312 777 2055  
F 312 777 2065

December 20, 2010

**VIA E-FILE**

The Honorable Cynthia T. Brown  
Chief, Section of Administration  
Surface Transportation Board  
395 E. Street, S.W., Room #100  
Washington, DC 20423-0001

**Re: Proposed Abandonment of the Kanawha Industrial Lead, from Milepost -  
-0.55 to Milepost -0.1 in Wright County, Iowa — STB Docket No. AB-33  
(Sub-No. 293X)**

228504

Dear Ms. Brown:

Pursuant to the Board's exemption procedures for discontinuance of service of rail lines with no local business for at least two (2) years, (49 C.F.R. § 1152.50), I am hereby e-filing the Verified Notice of Exemption, including a Certificate of Service and Publication.

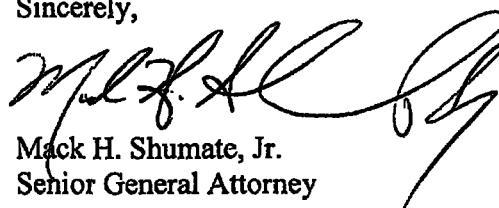
Please file the Notice of Exemption in Docket No. AB-33 (Sub-No. 293X). Enclosed is a credit authorization voucher in the amount of \$3,600.00 for the filing fee.

ENTERED  
Office of Proceedings

DEC 20 2010

Part of  
Public Record

Sincerely,

  
Mack H. Shumate, Jr.  
Senior General Attorney

Attachment

2010\_12\_20 STB Ltr to CBrown re NOE

**FEE RECEIVED**

DEC 20 2010

**SURFACE  
TRANSPORTATION BOARD**

**FILED**

DEC 20 2010

**SURFACE  
TRANSPORTATION BOARD**



BEFORE THE  
SURFACE TRANSPORTATION BOARD

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ENTERED  
Office of Proceedings

DEC 20 2010

Part of  
Public Record

Docket No. AB-33 (Sub-No. 293X)

UNION PACIFIC RAILROAD COMPANY  
--ABANDONMENT EXEMPTION--  
IN WRIGHT COUNTY, IOWA  
(KANAWA INDUSTRIAL LEAD)

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**FILED**

DEC 20 2010

SURFACE  
TRANSPORTATION BOARD

Notice of Exemption

**FEE RECEIVED**

DEC 20 2010

SURFACE  
TRANSPORTATION BOARD

UNION PACIFIC RAILROAD COMPANY  
Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive, #1920  
Chicago, Illinois 60606  
312/777-2055 (Tel.)  
312/777-2065 (FAX)

Dated and filed: December 20, 2010

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

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**Docket No. AB-33 (Sub-No. 293X)**

**UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN WRIGHT COUNTY, IOWA  
(KANAWHA INDUSTRIAL LEAD)**

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**Notice of Exemption**

Union Pacific Railroad Company ("UP") submits this verified Notice of Exemption pursuant to 49 § C.F.R. 1152, Subpart F -- Exempt Abandonments and Discontinuances of Service and Trackage Rights for an exempt abandonment of service on the Kanawha Industrial Lead from Milepost -0.55 to Milepost -0.1 near Belmond, for a total of 0.45 miles in Wright County, Iowa (the "Line").

**Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)**

The abandonment and discontinuance are proposed to be consummated on or after February 8, 2011 (at least 50 days after filing the Notice of Exemption).

**Certification: 49 C.F.R. 1152.50(b)**

UP certifies that no local or overhead traffic has moved over the Line for at least two years. Therefore, there is no need to reroute any traffic. UP further certifies that no formal complaint filed by a user of rail service on the Line (or filed by a state or local governmental entity acting on behalf of such user) regarding cessation of service over the Line is pending either with the Board or any U.S. District Court, or has been decided in favor of the complainant within the two-year period.

**Additional Information Required: 49 C.F.R. 1152.22(a)(1)-(4), (7)-(8) and (e)(4)**

**(a) General.**

**(a)(1)** The railroad's exact name is Union Pacific Railroad Company.

**(a)(2)** UP is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

**(a)(3)** UP intends to abandon the Kanawha Industrial Lead from Milepost -0.55 to Milepost -0.1, a total distance of 0.45 miles in Wright County, Iowa.

**(a)(4)** A map showing the location of the Line in relation to other rail lines, highways, and major roads in the area is attached as **Exhibit 1**. The original map filed with the Combined Environmental and Historic Report in this matter indicated a slightly longer abandonment length at 0.55 rather than the actual 0.45 length. The Notice of Intent to Abandon and Discontinue Service as published accurately reflects the correct shorter distance.

**(a)(7)** The representative to whom correspondence regarding this abandonment and discontinuance should be sent is:

Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive, #1920  
Chicago, Illinois 60606  
312/777-2055 (Tel.)  
312/777-2065 (FAX)

**(a)(8) ZIP Codes.** The Line traverses U.S. Postal Service Zip Code 50421.

**(e)(4) Rural and Community Impact.**

The right-of-way of the Line proposed for abandonment is not suitable for public purposes, including roads or highways, other forms of mass transportation,

conservation, energy production or transmission, or recreation as this area is adequately served by existing roads and utility lines at the present time.

The Line does contain some reversionary property. However, that portion of the Line which is non-reversionary will be disposed of by working with the adjacent landowners. Based on information in UP's possession, the Line does not contain any federally granted right-of-way. Any documentation in UP's possession concerning the Line will be made available to those requesting it.

After the proposed abandonment, Belmond will continue to receive rail service from the Ft. Dodge Subdivision of the UP. Belmond lies on U.S. Highway 69. Use of Highway 69 and other state and local roads also provides access to several junctions with Interstate 35 within 15 to 20 miles.

No local traffic has moved over the Line during the past two years, and there is no overhead traffic or passenger service on the Line. UP has received no request for rail service on the Line in well over two years. No complaint regarding cessation of service has been filed, is pending, or has been ruled upon in favor of a complainant during the prior two years. The connection of the Line to UP's adjacent mainline which runs generally north and south across the Line, was removed as part of a track reconfiguration project to accommodate safe operations and the shipping needs of the only shipper in the vicinity, a local grain elevator. The local grain elevator is served via UP's adjacent mainline not from the Line.

A map of the Line is attached as **Exhibit No. 1**.

### **Labor Protection**

The interests of railroad employees will be protected by the conditions discussed in Oregon Short Line Railroad Co. – Abandonment -- Goshen, 360 I.C.C. 91 (1979).

### **Certifications**

Attached as **Exhibit No. 2** is a Certificate of Service and Publication, pursuant to the notice requirements of 49 C.F.R. §§ 1152.50(d)(1), 1105.11 and 1105.12.

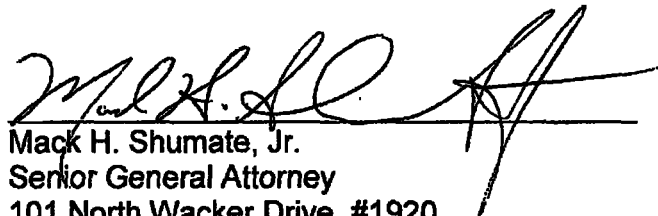
### **Environmental and Historic Report**

A copy of the electronic Acknowledgement of Formal filing which accompanied UP's Combined Environmental and Historic Report ("EHR"), containing the information required by 49 C.F.R. §§ 1105.7(e) and 1105.8, and delivered in accordance with 49 C.F.R. 1105.11, is attached as **Exhibit No. 3**. The EHR was electronically filed with the Section of Environmental Analysis (SEA), on October 8, 2010. The EHR indicated that while there is one structure on the Line that is 50 years old or older, the proposed abandonment does not involve any historic properties. On May 27, 2010, UP received a response from the State Historical Society of Iowa, copy attached as Attachment No. 8 to the EHR, stating that they concur with UP's finding that there are no historic properties affected by the proposed abandonment.

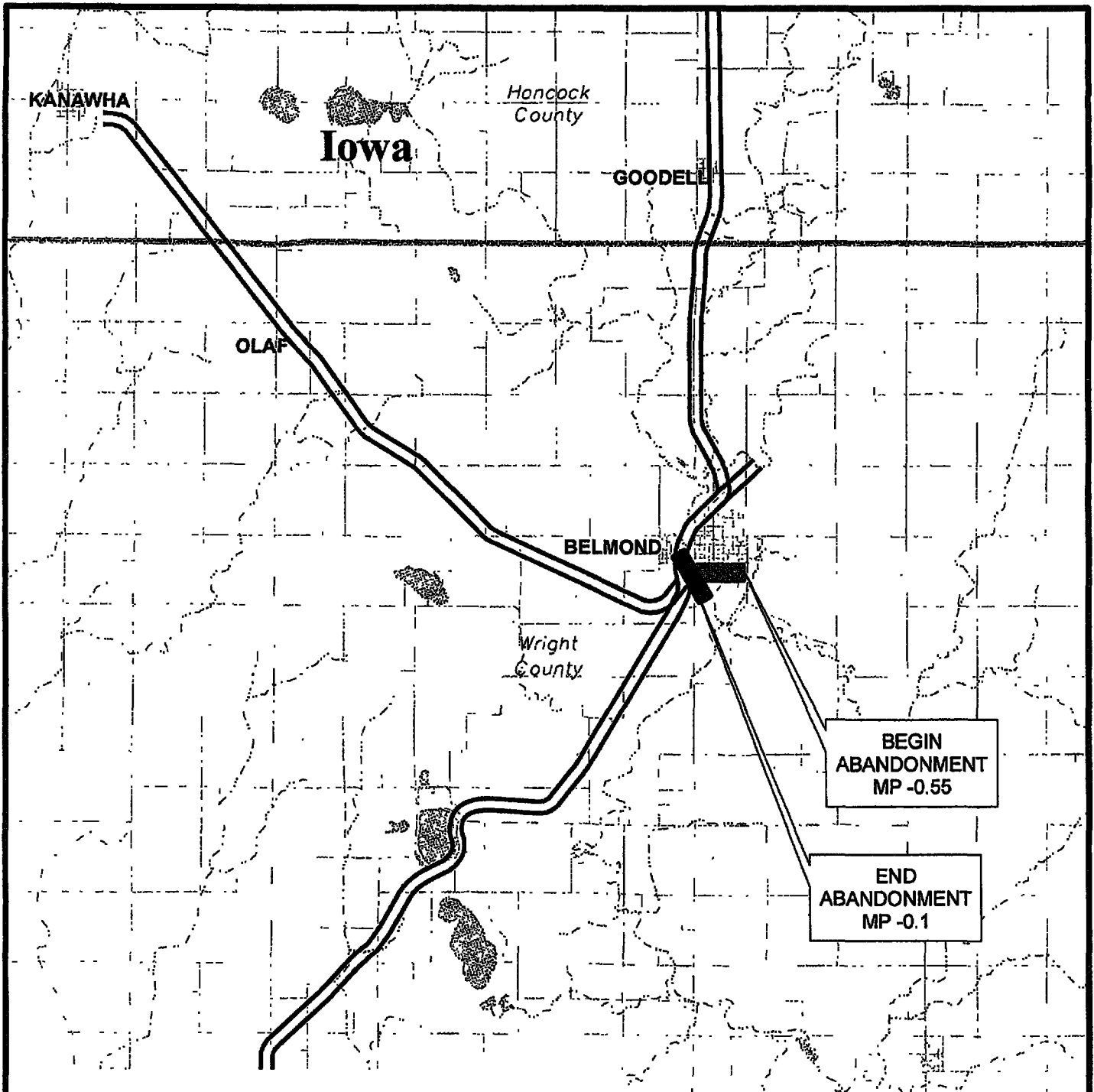
Dated this 20th day of December, 2010.

Respectfully submitted,






UNION PACIFIC RAILROAD COMPANY



Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive, #1920  
Chicago, Illinois 60606  
312/777-2055 (Tel.)  
312/777-2065 (FAX)



BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
-0.11	18 - SPAN TIMBER PILE TRESTLE OPEN DECK (TSTOD)	245.25	1959

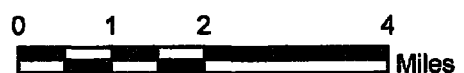
-  UPRR TO BE ABANDONED
-  OTHER UPRR LINES
-  PRINCIPAL HIGHWAYS
-  OTHER ROADS
-  50 + YEAR OLD STRUCTURES

### KANAWHA INDUSTRIAL LEAD

MP -0.55 TO MP -0.1  
TOTAL OF 0.45 MILES IN WRIGHT COUNTY  
IN IOWA

### UNION PACIFIC RAILROAD CO. KANAWHA INDUSTRIAL LEAD IOWA

INCLUDING 50+ YEAR OLD STRUCTURES



**DOCKET NO. AB-33 (SUB-NO. 293X)  
Kanawa Industrial Lead**

**CERTIFICATE OF SERVICE AND PUBLICATION**

**49 C.F.R. § 1152.50(d)(1) - Notice**

The undersigned certifies that on November 29, 2010 (at least 10 days before a Notice of Exemption is filed), written notice was given of Union Pacific's intent to use the exemption notice procedure to abandon the Kanawa Industrial Lead in Belmond, Wright County, Iowa in Docket No. AB-33 (Sub-No. 293X). Written notice (a copy of which is attached hereto as Attachment 1) was served on the following:

Iowa Utilities Board  
350 Maple Street  
Des Moines, IA 50319-0069

National Park Service  
Recreation Resources Assistance  
Division  
Pacific West Region  
601 Riverfront Drive  
Omaha, NE 68102

U.S. Department of Agriculture  
Chief of the Forest Service  
4<sup>th</sup> Floor, N.W., Auditors Building  
14<sup>th</sup> St. & Independence Ave., S.W.  
Washington, DC 20250

Department of Defense  
Military Surface Deployment &  
Distribution Command  
Transportation Engineering Agency  
ATTN: SDTE-SA  
(Railroads for National Defense)  
709 Ward Drive, Building 1990  
Scott AFB, IL 62225-5357

**49 C.F.R. § 1105.11 - Transmittal Letter For Applicant's Report**

The undersigned certifies that on November 24, 2009 (at least 20 days before a Notice of Exemption is filed), a Combined Environmental and Historic Report pursuant to 49 C.F.R. §§ 1105.7 and 1105.8 was served in Docket No. AB-33 (Sub-No. 293X) for abandonment of the Kanawa Industrial Lead in Belmond, Wright County, Iowa on the following:



- (1) State Clearinghouse (or alternate)
- (2) State Environmental Protection Agency
- (3) Head of each County
- (4) U.S. Environmental Protection Agency, Regional Office
- (5) U.S. Fish and Wildlife Service
- (6) U.S. Army Corps of Engineers
- (7) National Park Service
- (8) U.S. Natural Resources Conservation Service
- (9) The National Geodetic Survey
- (10) Other Agencies Consulted (As Listed)
- (11) State Historic Preservation Office

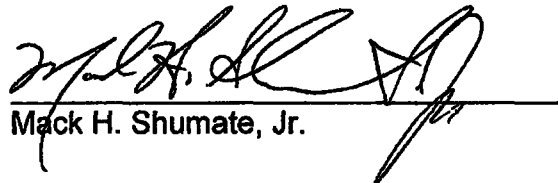
(The Certificate of Service attached to the Combined Environmental and Historic Report listed the names and addresses for the federal, state and local agencies.)

**49 C.F.R. § 1105.12 - Newspaper Notice**

The undersigned further certifies that a "Notice of Intent to Abandon or to Discontinue Rail Service" was published in the form prescribed by the Board for a Notice of Exemption. The Notice was published one time in a major newspaper in the county in which the Line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Wright	<i>Wright County Monitor</i>	December 9, 2010

Dated this 20<sup>th</sup> day of December, 2010.

  
Mack H. Shumate, Jr.



SevernS@stb.dot.gov  
10/08/2010 04:33 PM

To: slflores@up.com  
cc  
bcc  
Subject: Acknowledgement of formal filing

**EXHIBIT 3**

STB acknowledges that you have submitted a formal filing regarding docket number AB-33-293-X



Sandra I. Flores/UPC  
10/08/2010 05:34 PM

To Ray E. Allamong/UPC@UP  
cc Mack H. Shumate/UPC@UP  
bcc  
Subject AB-33 (Sub-No. 293X) - Thornton Industrial Lead - CEHR  
Filing

***FROM THE DESK OF MACK SHUMATE, JR.***

Attached below is the Combined Environmental and Historic Report that has been e-filed with the STB in the above-referenced docket.



20101008170514360.pdf

Sandra I. Flores  
Secretary to Mack H. Shumate, Jr. / Fred P. Johnston, Jr. / Elizabeth A. Shansky  
Union Pacific Railroad Company  
101 N. Wacker Drive, Room 1920  
Chicago, IL 60606  
Email: [siflores@up.com](mailto:siflores@up.com)  
TEL: 312-777-2041  
FAX: 312-777-2065

**VERIFICATION**

STATE OF NEBRASKA )

COUNTY OF DOUGLAS )


) ss:

I, RAYMOND E. ALLAMONG, JR., Senior Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company.

Dated at Omaha, Nebraska, this 28th day of July, 2010.

  
Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO  
before me this 28th day of  
July, 2010.

  
Notary Public

My Commission expires: \_\_\_\_\_

